

### **REMARKS**

This responds to the Final Office Action mailed on December 21, 2007. Applicant's responses to the issues raised in the Final Office Action are set forth below in the following discussion.

#### **§112 Rejection of the Claims**

Claim 18 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office Action notes that there is insufficient antecedent basis for "encrypted and non encrypted content," as recited in claim 18. The Applicant notes that independent claim 16 and dependent claim 18 do not recite an earlier recitation of "encrypted and non encrypted content." Since claims 16 and 18 recite only one "encrypted and non encrypted content," an antecedent recitation is not required. Accordingly, the 35 U.S.C. § 112, second paragraph, rejection of claim 18 is improper and should be withdrawn.

#### **§102 Rejection of the Claims**

Claims 16-33 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,744,763 to Jones et al. (hereinafter "Jones") For the reasons explained below, the Applicant respectfully asserts that Jones fails to identically disclose each and every feature specified in independent claims 16, 24, and 33.

In support of the 35 U.S.C. §102(e) rejections, the Office Action states that Jones discloses "a stream of packets that includes the plurality of frames and a set of localizing data that facilitates distinguishing locations of frame header information and frame data," as recited in independent claims 16 and 24, and "the stream of packets to distinguish frame header information and frame data of a plurality of frames within the stream of packets, based on localizing data that is included within the stream of packets," as recited in independent claim 33. Applicant respectfully traverses the Office Action's characterization of Jones relative to independent claims 16, 24, and 33 because portions of Jones relied upon by the Office Action (col. 2, lines 17-20; col. 22, line 58 – col. 23, line 18; Fig. 4; and col. 10, lines 35-49) do not

disclose “a set of localizing data that facilitates distinguishing locations of frame header information and frame data,” as recited in independent claims 16 and 24, and do not disclose “distinguish[ing] frame header information and frame data of a plurality of frames within the stream of packets, based on localizing data,” as recited in independent claim 33.

In particular, Jones discloses that “[t]he QuickTime file is divided into a set of objects, called atoms” and “[e]ach object starts with an atom header, which declares its’ size and type” (col. 2, lines 17-19). In an example, the size can be a “32-bit integer that specifies the number of bytes” (col. 22, lines 64-65). An example of a type can include a “32-bit integer indicating the format of the hints” (col. 22, line 66 – col. 23, line 5). Instead of sizes and types, independent claims 16 and 24 recite “a set of localizing data that facilitates distinguishing locations of frame header information and frame data.” Furthermore, independent claim 33 recites “distinguish[ing] frame header information and frame data of a plurality of frames.” The size and type described by Jones do not facilitate distinguishing locations of frame header information and frame data, and also do not facilitate distinguishing frame header information and frame data.

Additionally, as noted by the Office Action, Jones discloses that “a hint track 401... may contain a header, and [the hint track] may reference some data from an associated media track” (col. 10, lines 37-41). As shown in Figure 4 and disclosed at col. 10, lines 40-41, the hint track can reference “some data from an associated media track,” but does not reference the header. In contrast, independent claims 16 and 24 recite “distinguishing locations of frame header information” and independent claim 33 recites “distinguish[ing] frame header information.” As Jones does not disclose the hint track referencing the header and merely discloses an atom header that declares a set of objects’ size and type, Jones cannot reasonably be considered to disclose, to one having ordinary skilled in the art, “a set of localizing data that facilitates distinguishing locations of frame header information and frame data,” as recited in independent claims 16 and 24, and “distinguish[ing] frame header information and frame data of a plurality of frames within the stream of packets, based on localizing data,” as recited in independent claim 33.

For at least the reasons set forth above, Jones does not disclose each and every feature of the claimed invention. Accordingly, independent claims 16, 24, and 33 are patentable under 35

U.S.C. §102(e) over Jones. Claims 17-23 and 25-32, each of which depends from one of independent claim 16, 24, or 33, are likewise patentable under 35 U.S.C. §102(e) over Jones for at least the same reasons set forth above regarding the applicable independent claims. Accordingly, the anticipation rejections of pending claims 16-33 are improper and should be withdrawn.

#### §103 Rejection of the Claims

Dependent claims 34-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jones in view of U.S. Patent No. 6,449,719 to Baker. As discussed above, Jones does not disclose “distinguish[ing] frame header information and frame data of a plurality of frames within the stream of packets, based on localizing data,” as recited in independent claim 33. To establish a *prima facie* case of obviousness, Jones and Baker must disclose or suggest all the claim features. Here, claims 34-35 depend from independent claim 33 and in view of the incorrect characterization of Jones, Jones and Baker as combined do not disclose all the features of the claimed invention. Accordingly, the obviousness rejections of pending claims 34-35 are improper and should be withdrawn.

#### CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant’s attorney 408-278-4047 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

#### **Reservation of Rights**

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Final Office Action. Applicant’s silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut

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any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

Respectfully submitted,

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**CERTIFICATE UNDER 37 CFR § 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 17<sup>th</sup>, day of May 2007.

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